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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,233	12/04/2003	Dennis Lawrence Nicholson	21765-2	7486
7590 02/03/2010				
John S. Beulick Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102			EXAMINER LU, JIPING	
			ART UNIT 3743	PAPER NUMBER
			MAIL DATE 02/03/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/728,233

Applicant(s)NICHOLSON, DENNIS
LAWRENCE**Examiner**

Jiping Lu

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,10,12-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-10,12-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/09 has been entered.

Claim Status

2. Claims 1-3, 5-7, 9-10, 12-15, 18-22 are now in the case. Claims 4, 8, 11 and 16-17 have been cancelled.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 7, 9-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverzagt (U. S. Pat. 6,471,091).

Unverzagt shows a golf glove drying apparatus 24 for use with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, a first edge (at 28) extending from said first end to said

second end, and a second edge (at 24) that is substantially perpendicular to said first axis, said body comprises an inner surface 32 and an opposing outer surface 34, said body 24 is configured to couple to the frame support such that said first edge is substantially parallel to the frame longitudinal axis and said second edge substantially circumscribes the support, a central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support, said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support and when said apparatus 24 is coupled to said support, said body inner surface 32 comprises at least one first hook and loop fastening mechanism 36 for coupling said body 24 to the support, said at least one first fastening mechanism 36 extending parallel to said first axis (as shown in Fig. 1, fastening mechanism 36 extends from left at 26 to right at 28 which is parallel to the first axis), said body outer surface comprises at least one second hook and loop fastening mechanism 38 for removably coupling a golf glove directly against said body 24 such that the glove remains coupled in a mating arrangement against said outer surface when said apparatus is coupled to the support, said at least one second fastening mechanism 38 extending between said first end and said second end. The second fastening mechanism 38 also extends parallel to said first axis (see Fig. 1, fastening mechanism 38 extends from left to right which is parallel to the first axis). As for the limitations, "A golf glove drying apparatus for use with a frame support having a longitudinal axis extending therethrough" in lines 1-2 of claim 7, "said body is configured to couple to the frame support such that when said apparatus is coupled to said support" in lines 4-9 of claim 7, "... for coupling said body to the support" in line 10 of claim 7, "...for removably coupling a golf glove... when said apparatus is coupled to the support" in

lines 11-13 of claim 7, they are viewed as functional or intended use limitations. As MPEP 2114 states, “[a] claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim”. In this case, the limitations above do not add any structural limitations to the claim and Unverzagt discloses all the structural limitations. Additionally while not disclosed, the apparatus 24 of Unverzagt is capable of being used for use with a frame support having a longitudinal axis extending therethrough for drying golf glove and to perform above claimed functions. It must be noted that the newly added limitations merely define a size of the rectangular shape of the body. In other words, the claimed first edge is the height of the rectangle and the second edge is the width of the rectangle. Unverzagt discloses the claimed invention except for the first edge (height) longer than the second edge (width). It would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverzagt (U. S. Pat. 6,471,091) in view of Kilbey (U. S. Pat. 3,587,570).

The drying apparatus of Unverzagt as above includes all that is recited in claims 20-21 except for at least one third fastening mechanism. Kilbey shows an apparatus that is capable of being used with a frame support having a longitudinal axis extending therethrough for drying golf glove comprising a body 10, a first fastening mechanism 22, 24, 32 that is capable of being

used for coupling the body to a golf cart frame support, at least one second fastening mechanism 48 that is capable of being used for removably coupling the glove directly against said body, and at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the apparatus of Unverzagt to include at least one third fastening mechanism as taught by Kilbey in order to dry more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007).

6. Claims 7, 9-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091).

Jacobson shows a golf cart 15 comprising a golf cart frame support 20 having at least one external surface and defining a longitudinal axis and an apparatus 10 for coupling a glove 80 to said support 20 which are arranged same as claimed. The apparatus 10 comprises a first end (top end at 34), an opposing second end (bottom, below 34) and a body 35 extends between the first end and the second end. The body 35 comprises an inner surface and an opposite outer surface (see Figs. 3C-3E). The body 35 is coupled to the support 20 such that a central axis of the body extends from the first end to the second and such that the body is substantially concentrically aligned with and surrounds the support 20. The central axis is substantially coaxial with the longitudinal axis when the body substantially conforms to the at least one external surface of the support 20. When the apparatus 10 is coupled to the support 20, the body

comprises at least one first fastening mechanism 70 for coupling the body 10 to the support 20. The body outer surface comprises at least one second fastening mechanism 40 for removably coupling the glove 80. However, Jacobson does not show the second fastening mechanism extending between the first end and the second end. Unverzagt shows a golf glove drying apparatus 24 that is capable of being used with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, a first edge (at 28), and a second edge (at 24) along a second axis that is substantially perpendicular to said first axis, said body comprises an inner surface 32 and an opposing outer surface 34, said body 24 is configured to couple to the frame support such that said first edge is substantially parallel to the frame longitudinal axis and said second edge substantially circumscribes the support, a central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support, said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support and when said apparatus 24 is coupled to said support, said body inner surface 32 comprises at least one first hook and loop fastening mechanism 36 for coupling said body 24 to the support, said at least one first fastening mechanism 36 extending parallel to said first axis (as shown in Fig. 1, fastening mechanism 36 extends from left at 26 to right at 28 which is parallel to the first axis), said body outer surface comprises at least one second hook and loop fastening mechanism 38 for removably coupling a golf glove directly against said body 24 such that the glove remains coupled in a mating arrangement against said outer surface when said apparatus is coupled to the

support, said at least one second fastening mechanism 38 extending between said first end and said second end. The second fastening mechanism 38 also extends parallel to said first axis (see Fig. 1, fastening mechanism 38 extends from left to right which is parallel to the first axis).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the apparatus 10 of Unverzagt for the glove coupling apparatus 10 of Jacobson in order to facilitate coupling/removing drying apparatus to/from the golf cart.

The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention.

(See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). It must be noted that the newly added limitations merely define a size of the rectangular shape of the body. In other words, the claimed first edge is the height of the rectangle and the second edge is the width of the rectangle. Unverzagt discloses the claimed invention except for the first edge (height) longer than the second edge (width). It would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

7. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091) as applied to claim 7 as above, and further in view of Kilbey (U. S. Pat. 3,587,570).

The drying apparatus of Jacobson as modified by Unverzagt as above includes all that is recited in claims 20-21 except for at least one third fastening mechanism. Kilbey shows an

apparatus that is capable of being used with a frame support having a longitudinal axis extending therethrough for drying golf glove comprising a body 10, a first fastening mechanism 22, 24, 32 that is capable of being used for coupling the body to a golf cart frame support, at least one second fastening mechanism 48 that is capable of being used for removably coupling the glove directly against said body, and at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the apparatus of Jacobson to include at least one third fastening mechanism as taught by Kilbey in order to dry more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007).

8. Claims 1-3, 5-6, 13-15, 18-19 and 22 are rejected under 35 U.S.C. 103(a) as obvious over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091) and Kilbey (U. S. Pat. 3,587,570).

Jacobson shows a golf cart 15 comprising a golf cart frame support 20 having at least one external surface and defining a longitudinal axis and an apparatus 10 for coupling a glove 80 to said support 20 which are arranged same as claimed. The apparatus 10 comprises a first end (top end at 34), an opposing end (bottom, below 34) and a body 35 extends between the first end and the second end. The body 35 comprises an inner surface and an opposite outer surface (see Figs. 3C-3E). The body 35 is coupled to the support 20 such that a central axis of the body extends

from the first end to the second and such that the body is substantially concentrically aligned with and surrounds the support 20. The central axis is substantially coaxial with the longitudinal axis when the body substantially conforms to the at least one external surface of the support 20. When the apparatus 10 is coupled to the support 20, the body comprises at least one first fastening mechanism 70 for coupling the body 10 to the support 20. The body outer surface comprises at least one second fastening mechanism 40 for removably coupling the glove 80. However, Jacobson does not show the second fastening mechanism extending between the first end and the second end and at least one third fastening mechanism with a closed loop for removably coupling other golf equipment. Unverzagt shows a golf glove drying apparatus 24 that is capable of being used with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, a first edge (at 28) extending from said first end to said second end, and a second edge (at 24) along a second axis that is substantially perpendicular to said first axis, said first edge is longer than said second edge, said body comprises an inner surface 32 and an opposing outer surface 34, said body 24 is configured to couple to the frame support such that said first edge is substantially parallel to the frame longitudinal axis and said second edge substantially circumscribes the support, central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support, said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support and when said apparatus 24 is coupled to said support, said body inner surface 32 comprises at least one first hook and loop

fastening mechanism 36 for coupling said body 24 to the support, said at least one first fastening mechanism 36 extending parallel to said first axis (as shown in Fig. 1, fastening mechanism 36 extends from left at 26 to right at 28 which is parallel to the first axis), said body outer surface comprises at least one second hook and loop fastening mechanism 38 for removably coupling a golf glove directly against said body 24 such that the glove remains coupled in a mating arrangement against said outer surface when said apparatus is coupled to the support, said at least one second fastening mechanism 38 extending between said first end and said second end. The second fastening mechanism 38 also extends parallel to said first axis (see Fig. 1, fastening mechanism 38 extends from left to right which is parallel to the first axis). Kilbey shows an apparatus that is capable of being used with a frame support having a longitudinal axis extending therethrough for drying golf glove comprising a body 10, a first fastening mechanism 22, 24, 32 that is capable of being used for coupling the body to a golf cart frame support, at least one second fastening mechanism 48 that is capable of being used for removably coupling the glove directly against said body, and at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the apparatus 10 of Unverzagt for the glove coupling apparatus 10 of Jacobson in order to facilitate coupling/removing drying apparatus to/from the golf cart and to further modify the glove coupling apparatus to include at least one third fastening mechanism as taught by Kilbey in order to drying more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the

time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007)). It must be noted that the newly added limitations merely define a size of the rectangular shape of the body. In other words, the claimed first edge is the height of the rectangle and the second edge is the width of the rectangle. The drying apparatus of Jacobson as modified by Unverzagt and Kilbey discloses the claimed invention except for the first edge (height) longer than the second edge (width). It would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955)..

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/
Primary Examiner
Art Unit 3743

J. L.